

III. REMARKS

1. Claims 60, 70, 76, 83 and 85 are amended. Claim 86 is new and includes subject matter originally shown and described in the application as originally filed. No new matter is entered.

2. Applicants respectfully submit that claims 60-85 are patentable over the combination of Luzeski et al. (US 6,430,177 B1, "Luzeski"), Parasnis et al. (US 6,728,753 B1, "Parasnis") and Broussard (US 6,269,483 B1, "Broussard") under 35 USC 103(a). Claim 60 recites sending a notification message by the messaging server, in response to the storing of the multimedia message, to a recipient wireless terminal indicative that the multimedia message is available for retrieval by the recipient wireless terminal. This feature is not disclosed or suggested by the combination of Luzeski, Parasnis and Broussard.

Nowhere does Luzeski disclose or suggest sending a notification message by the messaging server, in response to the storing of the multimedia message, to a recipient wireless terminal indicative that the multimedia message is available for retrieval by the recipient wireless terminal as recited in Applicant's claim 60. Rather, all that is disclosed in Luzeski is that a user must "log on" to the universal messaging system over the Internet using a standard web browser in order to access the messages that are stored on the system (see e.g. Col. 3, L. 47-58; Col. 7, L. 30-38; and Col. 19, L. 44 – Col. 20, L. 6). Luzeski is simply silent as to the above-described features of Applicant's claim 60.

It is noted that the sending of the notification as recited in Applicant's claims responsively enables push-type operation in which the recipient wireless terminal is provided with the indication of the availability of the multimedia message without need for the wireless terminal to continually poll any server. Thus, energy and radio resources may be saved as unnecessary polling may be avoided. Nothing of this sort is disclosed or suggested in the cited references.

Combining Luzeski with Parasnis also fails to disclose or suggest sending a notification message by the messaging server, in response to the storing of the multimedia message, to a recipient wireless terminal indicative that the multimedia message is available for retrieval by the recipient wireless terminal as recited in Applicant's claim 60. Parasnis merely discloses a system and method for broadcasting presentation over a computer network to an online

audience (Abstract). In Parasnus once the broadcast is set up the user (i.e. the person who set up the broadcast) sends an email message to the prospective attendees so that they can schedule the presentation broadcast, if they chose to attend (Col. 18, L. 38-44). This can in no way be considered sending a notification message by the messaging server, in response to the storing of the multimedia message, to a recipient wireless terminal indicative that the multimedia message is available for retrieval by the recipient wireless terminal as recited in Applicant's claim 60. Thus, Parasnus is also absolutely silent as to disclosing the above-described features of Applicant's claim 60.

It is also noted that Parasnus was referred to merely for the notion of "forming a streaming media session between the messaging server to which the recipient wireless terminal sent the request and the recipient terminal, using information describing the streamable media component" and nothing more. However, streaming in the context of Applicant's claim 60 for delivery of multimedia message media components is not disclosed or suggested by Parasnus. Parasnus relates to video conferencing in fixed networks whereas Applicant's claim 60 relates to wireless multimedia messaging. It is submitted that the Examiner's combination (i.e. modification of) Luzeski with Parasnus is based solely on the impermissible use of hindsight in light of what is disclosed in Applicant's specification as it is clear that neither Luzeski nor Parasnus disclose any hint or suggestion towards modifying Luzeski towards the use of streaming as disclosed by Parasnus in the context of video conferencing.

Combining Luzeski and Parasnus with Broussard also fails to disclose or suggest sending a notification message by the messaging server, in response to the storing of the multimedia message, to a recipient wireless terminal indicative that the multimedia message is available for retrieval by the recipient wireless terminal as recited in Applicant's claim 60. Broussard merely discloses a method for automatically limiting the transmission of a video stream from a terminal to a network (Abstract). There is absolutely no disclosure whatsoever of the above-described features of Applicant's claim 60 in Broussard.

The Examiner appears to combine Luzeski and Parasnus with Broussard merely to make the recipient of Luzeski a wireless terminal. It is noted that at the present time we have wireless Internet access that is faster than the normal fixed connections that were present at the priority date (8/2/2000) of the present application. However, ten years ago, there were still marked technical and commercial factors that biased the minds of the readers away from sending large

amounts of data over wireless connections. The entire issue about video messages, whether to send them as clips or by streaming, is redundant as long as the clips are short and contained in small files. In the era prevailing a decade ago, there was simply no general perception that it should be possible to exchange multimedia messages with large videos over wireless connections. Thus, there was also no motivation readily available as suggested by the office action (to use wireless terminals in order to support additional system configurations). Such arguments are creative and appear obvious whilst they inherently inject hindsight as they are based on the present era instead of the time a decade ago (e.g. at the time Applicant's the invention was made).

Thus, claim 60 is patentable over the combination of Luzeski, Parasnus and Broussard at least because their combination fails to disclose or suggest sending a notification message by the messaging server, in response to the storing of the multimedia message, to a recipient wireless terminal indicative that the multimedia message is available for retrieval by the recipient wireless terminal as recited in Applicant's claim 60.

Further, claim 60 recites including as a component of the multimedia message the information describing the streamable component, where the information describing the streamable component comprises presentation description information that includes the network address of the messaging server, details of an access mechanism by use of which media content can be retrieved from the messaging server, the type of media to be streamed, the encoding method(s) used to encode the media content and an indication of the transport protocol(s) to be used for media downloading. It is submitted that none of Luzeski, Parasnus and Broussard, individually or in combination, disclose or suggest this feature of claim 60. Thus, claim 60 is patentable over the combination of Luzeski, Parasnus and Broussard for this additional reason.

Claims 70, 76, 83 and 85 are patentable over the combination of Luzeski, Parasnus and Broussard for reasons that are substantially similar to those described above with respect to claim 60. Claims 61-69, 71-75, 77-82 and 84 are patentable over the combination of Luzeski, Parasnus and Broussard at least by reason of their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully

requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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